

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: VIOLET JONES

Debtor(s)

CHAPTER 13

New Residential Mortgage LLC

Movant

vs.

NO. 15-15848 ELF

VIOLET JONES

Debtor(s)

William C. Miller

Trustee

11 U.S.C. Section 362

**MOTION OF NEW RESIDENTIAL MORTGAGE LLC
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is New Residential Mortgage LLC.
2. Debtor(s) is the owner(s) of the premises 195 Linton St, Philadelphia, Pa 19120, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$87,500.00 on the mortgaged premises that was executed on December 14, 2006. Said mortgage was recorded on December 20, 2006 in Document ID 51596088. The mortgage was subsequently assigned to Movant by way of an Assignment of Mortgage recorded on February 18, 2020 in Document ID 53632900 in Philadelphia county.
4. William C. Miller, is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).
6. As of January 17, 2020, the unpaid principal balance is \$69,731.45.
7. Debtor(s) has failed to make the monthly post-petition mortgage payments in the amount of \$759.72 for August 2017; \$444.82 for September 2017 through August 2018; \$444.98 for September 2018 through August 2019 and \$474.82 for September 2019 through March 2020 with less of a suspense balance of \$419.04.

8. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$850.00 in legal fees and \$181.00 in legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

9. The total amount necessary to reinstate the loan post-petition is **\$13,392.38** (plus attorney's fees & costs).

10. Movant is entitled to relief from stay for cause.

11. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ **Rebecca A. Solarz, Esquire**

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